

Amendment No. 1 to SB3268

Gresham
Signature of Sponsor

AMEND Senate Bill No. 3268

House Bill No. 3399*

by deleting Section 1 of the bill as introduced in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part:

49-6-____.

(a) As used in this section, unless the context otherwise requires, "health care provider" means a licensed medical doctor (M.D.), osteopathic physician (D.O.), or a clinical neuropsychologist with concussion training.

(b) This section applies only to school youth athletic activity, which for the purposes of this section means an organized athletic activity where the majority of the participants are middle school and high school students, and are engaging in an organized athletic game or competition against another team, club, or entity or in practice or preparation for an organized game or competition against another team, club, or entity. "Youth athletic activity" does not include college or university activities or an activity which is entered into for instructional purposes only, an athletic activity that is incidental to a nonathletic program, or a lesson.

(c)

(1) The governing authority of each public and nonpublic middle school, junior high school, and high school shall:

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(A) Work in concert with the department of education to develop the guidelines and other pertinent information and forms to inform and educate coaches, school administrators, youth athletes, and their parents or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury;

(B) Require annual completion by all coaches, whether such coach is employed or a volunteer, and by school athletic directors of a concussion recognition and head injury safety education course program developed by the department. In developing the program, the department may use any of the materials readily available from the centers for disease control and prevention. The program shall include, but not be limited to:

(i) Current training in recognizing the signs, symptoms of potentially catastrophic head injuries, concussions and injuries related to second impact syndrome;

(ii) The necessity of obtaining proper medical attention for a person suspected of having sustained a concussion; and

(iii) The nature and risk of concussions, including the danger of continuing to play after sustaining a concussion and the proper method and statutory

requirements which must be satisfied in order for a youth athlete to return to play in the athletic activity;

(C) Require that on a yearly basis, a concussion and head injury information sheet be signed and returned by each coach and athletic director to the lead administrator of the local education agency (LEA) prior to initiating practice or competition for the year;

(D) Require that on a yearly basis, a concussion and head injury information sheet be signed and returned by the youth athlete and the athlete's parent or guardian prior to the youth's initiating practice or competition. The information sheet shall include, but not be limited to:

(i) Written information related to the recognition of symptoms of head injuries;

(ii) The biology and the short-term and long-term consequences of a concussion;

(iii) A summary of department rules and regulations relative to safety regulations for students participation in extracurricular athletic activities; and

(iv) The medical protocol for post-concussion participation or participation in an extracurricular athletic activity;

(E) Remove any youth athlete who shows signs, symptoms or behaviors consistent with a concussion from the activity or competition immediately for examination by a certified athletic trainer, licensed physical therapist, certified nurse practitioner,

licensed physician assistant, licensed chiropractic physician or health care provider, and either:

(i) The school shall have the youth athlete examined by a certified athletic trainer, licensed physical therapist, certified nurse practitioner, a licensed physician assistant, licensed chiropractic physician, or a health care provider, and if it is determined that the youth athlete has not exhibited sufficient signs or symptoms of a concussion, the youth athlete may return to play; or

(ii) The youth athlete shall not return to play practice or competition until cleared by an appropriate health care provider if either:

(a) The school does not have access to a certified athletic trainer, licensed physical therapist, certified nurse practitioner, licensed physician assistant, licensed chiropractic physician, physician licensed under title 63, chapter 6 or 9; or

(b) The school does have access to personnel identified in subdivision (a) and it is determined that youth athlete may have sustained a concussion; and

(F) Require that a youth athlete who has been removed from play not return to the practice or competition during which the student suffered, or is suspected to have suffered, a concussion and not return to play or participate in any supervised team activities involving physical exertion, including games,

competitions, or practices, until the youth athlete is evaluated by a health care provider and receives written clearance from the health care provider for a full or graduated return to play.

(2) After a youth athlete who has sustained a concussion or head injury has been evaluated and received clearance for a graduated return to play from a health care provider, then an organization or association of which a school or school district is a member, a private or public school, may allow a certified athletic trainer, licensed chiropractic physician or licensed physical therapist with specific knowledge of the athlete's condition to manage the athlete's graduated return to play based upon the health care provider's recommendations. The athletic trainer, chiropractic physician or physical therapist shall provide updates to the health care provider on the progress of the youth athlete if requested by the health care provider.

(3) No certified athletic trainer, licensed physical therapist, certified nurse practitioner, licensed physician assistant, licensed chiropractic physician or health care provider acting in good faith within the authority prescribed under subdivision (1)(E) and (F) or subdivision (2) shall be liable on account of any act or omission in good faith while so engaged; provided that "good faith" as used in this subdivision shall not include willful misconduct, gross negligence, or reckless disregard.

(4) All health care professionals, except for health care providers, performing any of the functions required by this act shall receive training in the evaluation and management of concussions. Each such health care professional shall, at a minimum, complete the National Federation of State High School Associations (NFHS) concussion training course

and shall also complete such additional training as required by that professional's licensing board, but at least four (4) hours of additional training.